

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA (Southern Division – Santa Ana)**  
**CIVIL DOCKET FOR CASE #: 8:17-cv-00840-CJC-KES**

Cobra Engineering, Inc. v. H-D U.S.A., LLC, et al  
Assigned to: Judge Cormac J. Carney  
Referred to: Magistrate Judge Karen E. Scott  
Cause: 28:2201 Declaratory Judgment

Date Filed: 05/11/2017  
Date Terminated: 01/11/2018  
Jury Demand: Plaintiff  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Cobra Engineering, Inc.**  
*a California corporation*

represented by **Brian P Kinder**  
The Kinder Law Group  
19200 Von Karman Avenue 4th Floor  
Irvine, CA 92612  
949-216-3070  
Fax: 949-216-3074  
Email: bkinder@tklglaw.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**H-D U.S.A., LLC**  
*a Wisconsin limited liability company*

represented by **David M Kelly**  
Kelly IP LLP  
1919 M Street NW Suite 610  
Washington, DC 20036  
202-808-3570  
Fax: 202-354-5232  
Email: david.kelly@kelly-ip.com  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Donald L Ridge**  
Clark Hill LLC  
1055 West Seventh Street Suite 2400  
Los Angeles, CA 90017-2503  
213-891-9100  
Fax: 213-488-1178  
Email: dridge@clarkhill.com  
**ATTORNEY TO BE NOTICED**

**Jason M Joyal**  
Kelly IP LLP  
1919 M Street NW Suite 610  
Washington, DC 20036  
202-808-3570  
Fax: 202-354-5232  
Email: jason.joyal@kelly-ip.com  
**ATTORNEY TO BE NOTICED**

**Ryan Charles McKim**  
 Clark Hill LLP  
 1055 West Seventh Street 24th Floor  
 Los Angeles, CA 90017  
 213-891-9100  
 Fax: 213-488-1178  
 Email: rmckim@clarkhill.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Does**

*1 through 10, inclusive*

**Defendant**

**Harley-Davidson, Inc.**  
*a Wisconsin corporation*

represented by **David M Kelly**  
 (See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Donald L Ridge**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Jason M Joyal**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Ryan Charles McKim**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/11/2017	<u>1</u>	COMPLAINT Receipt No: 0973-19834408 - Fee: \$400, filed by Plaintiff COBRA ENGINEERING INC.. (Attorney Brian P Kinder added to party COBRA ENGINEERING INC.(pty:pla))(Kinder, Brian) (Entered: 05/11/2017)
05/11/2017	<u>2</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by Plaintiff COBRA ENGINEERING INC.. (Kinder, Brian) (Entered: 05/11/2017)
05/11/2017	<u>3</u>	CIVIL COVER SHEET filed by Plaintiff COBRA ENGINEERING INC.. (Kinder, Brian) (Entered: 05/11/2017)
05/11/2017	<u>4</u>	REPORT ON THE FILING OF AN ACTION Regarding a Patent or a Trademark (Initial Notification) filed by COBRA ENGINEERING INC.. (Kinder, Brian) (Entered: 05/11/2017)
05/11/2017	<u>5</u>	NOTICE AND CERTIFICATE of Interested Parties filed by Plaintiff COBRA ENGINEERING INC., (Kinder, Brian) (Entered: 05/11/2017)
05/11/2017	<u>6</u>	NOTICE OF ASSIGNMENT to District Judge Cormac J. Carney and Magistrate Judge Karen E. Scott. (esa) (Entered: 05/11/2017)
05/11/2017	<u>7</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (esa) (Entered: 05/11/2017)

05/11/2017	<u>8</u>	21 DAY Summons issued re Complaint <u>1</u> as to defendant H-D U.S.A., LLC. (esa) (Entered: 05/11/2017)
06/05/2017	<u>9</u>	NOTICE OF MOTION AND MOTION to Dismiss filed by Defendant H-D U.S.A., LLC. Motion set for hearing on 7/10/2017 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum of Points and Authorities in Support of Motion to Dismiss, # <u>3</u> Declaration of Jonathan Keyser in Support of Motion to Dismiss, # <u>4</u> Declaration of David M. Kelly in Support of Motion to Dismiss) (Attorney Ryan Charles McKim added to party H-D U.S.A., LLC(pty:dft)) (McKim, Ryan) (Entered: 06/05/2017)
06/05/2017	<u>10</u>	NOTICE of Interested Parties filed by Defendant H-D U.S.A., LLC, (McKim, Ryan) (Entered: 06/05/2017)
06/05/2017	<u>11</u>	CORPORATE DISCLOSURE STATEMENT filed by Defendant H-D U.S.A., LLC (McKim, Ryan) (Entered: 06/05/2017)
06/19/2017	<u>12</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Dismiss <u>9</u> filed by Plaintiff Cobra Engineering, Inc.. (Kinder, Brian) (Entered: 06/19/2017)
06/19/2017	<u>13</u>	First AMENDED COMPLAINT against Defendants Does, H-D U.S.A., LLC, Harley-Davidson, Inc. amending Complaint (Attorney Civil Case Opening) <u>1</u> , filed by Plaintiff Cobra Engineering, Inc.(Kinder, Brian) (Entered: 06/19/2017)
06/19/2017	<u>14</u>	AMENDED DOCUMENT filed by Plaintiff Cobra Engineering, Inc.. Amendment to Certificate/Notice of Interested Parties <u>5</u> (Kinder, Brian) (Entered: 06/19/2017)
06/19/2017	<u>15</u>	Request for Clerk to Issue Summons on Amended Complaint/Petition <u>13</u> filed by Plaintiff Cobra Engineering, Inc.. (Kinder, Brian) (Entered: 06/19/2017)
06/20/2017	<u>16</u>	21 DAY Summons Issued re First Amended Complaint/Petition <u>13</u> as to defendant Harley-Davidson, Inc., a Wisconsin corporation. (twdb) (Entered: 06/20/2017)
06/21/2017	<u>17</u>	NOTICE OF INTENT upon filing of the complaint by Judge Cormac J. Carney. Scheduling order to be issued on September 15, 2017. (mku) (Entered: 06/21/2017)
06/22/2017	<u>18</u>	STIPULATION to Withdraw Motion NOTICE OF MOTION AND MOTION to Dismiss <u>9</u> // <i>Stipulation to Withdraw Motion to Dismiss without Prejudice; [Proposed] Order</i> filed by Defendant H-D U.S.A., LLC. (Attachments: # <u>1</u> Proposed Order)(McKim, Ryan) (Entered: 06/22/2017)
06/23/2017	<u>19</u>	ORDER by Judge Cormac J. Carney. The matter is before the Court on Plaintiff Cobra Engineering, Inc. ("Plaintiff") and specially-appearing Defendant H-D U.S.A., LLC's ("Defendant" and together with Plaintiff, the "Parties") Stipulation to Withdraw Defendant's Motion to Dismiss [D.E.9] Without Prejudice. Having considered the Parties' stipulation <u>18</u> , and for good cause, the Court orders as follows: Defendant's Motion to Dismiss [D.E. <u>9</u> ] is withdrawn, without prejudice, and the July 10, 2017 hearing is vacated. SO ORDERED. (dro) (Entered: 06/23/2017)
06/30/2017	<u>20</u>	Joint STIPULATION for Extension of Time to File Answer to 08/04/2017 re Amended Complaint/Petition <u>13</u> filed by Plaintiff Cobra Engineering, Inc.. (Attachments: # <u>1</u> Proposed Order)(Kinder, Brian) (Entered: 06/30/2017)
07/10/2017	<u>21</u>	ORDER Granting Stipulation to Extend Time to Respond to First Amended Complaint <u>20</u> by Judge Cormac J. Carney: The Court, having read and considered the stipulation of the parties, and good cause appearing therefore, HEREBY ORDERES as follows: Defendants' response to the First Amended Complaint in this action shall be due on August 4, 2017. (lwag) (Entered: 07/11/2017)
07/14/2017	<u>22</u>	APPLICATION of Non-Resident Attorney David M. Kelly to Appear Pro Hac Vice on behalf of Defendants H-D U.S.A., LLC, Harley-Davidson, Inc. (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-20185568) filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. (Attachments: # <u>1</u>

		Proposed Order on Application of Non-Resident Attorney to Appear in a Specific Case Pro Hac Vice) (Attorney Ryan Charles McKim added to party Harley-Davidson, Inc.(pty:dft)) (McKim, Ryan) (Entered: 07/14/2017)
07/14/2017	<u>23</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Ryan Charles McKim counsel for Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. Adding Jason M. Joyal as counsel of record for H-D U.S.A., LLC and Harley-Davidson, Inc. for the reason indicated in the G-123 Notice. Filed by Defendants H-D U.S.A., LLC and Harley-Davidson, Inc.. (McKim, Ryan) (Entered: 07/14/2017)
07/18/2017	<u>24</u>	ORDER by Judge Cormac J. Carney: granting <u>22</u> Non-Resident Attorney David M. Kelly APPLICATION to Appear Pro Hac Vice on behalf of granted, designating Donald L. Ridge as local counsel. (twdb) (Entered: 07/18/2017)
08/02/2017	<u>25</u>	NOTICE of Change of Attorney Business or Contact Information: for attorney Ryan Charles McKim counsel for Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. Changing firm name to Clark Hill LLP. Changing e-mail to RMcKim@clarkhill.com. Filed by Defendants H-D U.S.A., LLC; Harley Davidson, Inc.. (McKim, Ryan) (Entered: 08/02/2017)
08/02/2017	<u>26</u>	NOTICE of Change of Attorney Business or Contact Information: for attorney Donald L Ridge counsel for Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. Changing firm name to Clark Hill LLP. Changing e-mail to DRidge@clarkhill.com. Filed by defendants H.D U.S.A., LLC; Harley Davidson, Inc.. (Ridge, Donald) (Entered: 08/02/2017)
08/04/2017	<u>27</u>	NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. Motion set for hearing on 9/11/2017 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # <u>1</u> Memorandum Of Points And Authorities In Support Of Specially-Appearing Defendants Motion To Dismiss Plaintiffs First Amended Complaint For Lack Of Personal Jurisdiction Or To Transfer And, In The Alternative, To Dismiss For Failure To State A Claim, # <u>2</u> Declaration Of Jonathan Keyser In Support Of Defendants' Motion To Dismiss Plaintiff's First Amended Complaint, # <u>3</u> Declaration Of Jason M. Joyal In Support Of Defendants Motion To Dismiss Plaintiffs First Amended Complaint, # <u>4</u> Declaration Of David M. Kelly In Support Of Defendants Motion To Dismiss Plaintiffs First Amended Complaint, # <u>5</u> Proposed Order) (McKim, Ryan) (Entered: 08/04/2017)
08/21/2017	<u>28</u>	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint <u>27</u> filed by Plaintiff Cobra Engineering, Inc.. (Attachments: # <u>1</u> Declaration Declaration of Tim McCool, # <u>2</u> Declaration Declaration of Brian Kinder, # <u>3</u> Proposed Order Request for Judicial Notice)(Kinder, Brian) (Entered: 08/21/2017)
08/28/2017	<u>29</u>	REPLY NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint <u>27</u> // <i>Defendants' Reply Brief to Plaintiff's Opposition to Motion to Dismiss</i> filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Jonathan Keyser in Support of Defendants' Reply Brief to Plaintiff's Opposition to Motion to Dismiss, # <u>2</u> Declaration Supplemental Declaration of Jason M Joyal in Support of Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, # <u>3</u> Exhibit A part 1 of 2 to Supplemental Declaration of Jason M Joyal in Support of Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, # <u>4</u> Exhibit A part 2 of 2 to Supplemental Declaration of Jason M Joyal in Support of Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, # <u>5</u> Exhibit B to Supplemental Declaration of Jason M Joyal in Support of Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's First Amended Complaint)(McKim, Ryan) (Entered: 08/28/2017)
09/07/2017	<u>30</u>	MINUTES (IN CHAMBERS) Order Denying Defendant's Motion to Dismiss Without Prejudice and Ordering Limited Jurisdictional Discovery <u>27</u> by Judge Cormac J. Carney: Accordingly, the

		Court DIRECTS the parties to engage in good faith in NINETY DAYS of limited jurisdictional discovery on the issue of general jurisdiction. Discovery requests should be reasonably tailored and proportional to that issue. Defendants motion is DENIED WITHOUT PREJUDICE, including the motion in the alternative to transfer the case, and may be renewed, if appropriate, following limited jurisdictional discovery. See document for further information. (lwag) (Entered: 09/07/2017)
09/08/2017	<u>31</u>	Joint STIPULATION to Stay Case pending Completion of Jurisdictional Discovery and Resolution of any Renewed Motion to Dismiss that May be Filed is Entered into Between Plaintiff Cobra Engineering, Inc. and Specially-Appearing Defendants H-D U.S.A., LLC and Harley-Davidson, Inc. filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. (Attachments: # <u>1</u> Proposed Order on Joint Stipulation to Stay Deadlines)(McKim, Ryan) (Entered: 09/08/2017)
09/12/2017	<u>32</u>	ORDER by Judge Cormac J. Carney, on Joint Stipulation to Stay Deadlines <u>31</u> . Case Terminated, MD JS-6. (twdb) Modified on 9/13/2017 (twdb). (Entered: 09/13/2017)
12/19/2017	<u>33</u>	Renewed NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. Motion set for hearing on 1/22/2018 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # <u>1</u> Declaration of Jonathan Keyser in support of Defendants' Renewed Motion to Dismiss Plaintiff's First Amended Complaint, # <u>2</u> Declaration of David M. Kelly in support of Defendants' Renewed Motion to Dismiss Plaintiff's First Amended Complaint, # <u>3</u> Declaration of Jason M. Joyal in support of Defendants' Renewed Motion to Dismiss Plaintiff's First Amended Complaint, # <u>4</u> Memorandum of Points and Authorities, # <u>5</u> Proposed Order) (McKim, Ryan) (Entered: 12/19/2017)
12/19/2017	<u>34</u>	NOTICE OF MOTION AND MOTION to for Leave to File Second Amended Complaint filed by Plaintiff Cobra Engineering, Inc.. Motion set for hearing on 1/22/2018 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # <u>1</u> Memorandum in Support of Motion for Leave to File Second Amended Complaint, # <u>2</u> Declaration of Brian Kinder in Support of Motion for Leave to File Second Amended Complaint, # <u>3</u> Proposed Order for Motion for Leave to File Second Amended Complaint, # <u>4</u> Exhibit Proposed Second Amended Complaint, # <u>5</u> Exhibit Redline of Proposed Second Amended Complaint) (Kinder, Brian) (Entered: 12/19/2017)
12/29/2017	<u>35</u>	Opposition re: NOTICE OF MOTION AND MOTION to for Leave to File Second Amended Complaint <u>34</u> filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. (Attachments: # <u>1</u> Declaration Of Jason M. Joyal In Support Of Defendants Opposition To Plaintiffs Motion For Leave To File Second Amended Complaint, # <u>2</u> Proposed Order)(McKim, Ryan) (Entered: 12/29/2017)
12/29/2017	<u>36</u>	MEMORANDUM in Opposition to Renewed NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint <u>33</u> filed by Plaintiff Cobra Engineering, Inc.. (Attachments: # <u>1</u> Declaration of Brian Kinder in Support of Opposition to Renewed Motion)(Kinder, Brian) (Entered: 12/29/2017)
01/08/2018	<u>37</u>	REPLY in Support of Renewed NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint <u>33</u> filed by Defendants H-D U.S.A., LLC, Harley-Davidson, Inc.. (McKim, Ryan) (Entered: 01/08/2018)
01/08/2018	<u>38</u>	REPLY TO OPPOSITION TO NOTICE OF MOTION AND MOTION to for Leave to File Second Amended Complaint <u>34</u> filed by Plaintiff Cobra Engineering, Inc.. (Kinder, Brian) (Entered: 01/08/2018)
01/11/2018	<u>40</u>	ORDER GRANTING DEFENDANTS MOTION TO TRANSFER, AND DENYING PLAINTIFFS MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT by Judge Cormac J. Carney. The Court hereby TRANSFERS this case to the U.S. District Court for the Eastern District of Wisconsin. Plaintiff's motion for leave to file a Second Amended Complaint is DENIED. Case electronically sent to USDC for the Eastern District of Wisconsin. (MD JS-6. Case Terminated.) (twdb) Modified on 1/12/2018 (twdb). (Entered: 01/12/2018)

01/12/2018	<u>139</u>	MINUTE ORDER IN CHAMBERS by Judge Cormac J. Carney: Case to be reopened for administrative purposes only, then transferred and closed. (Case reopened. MD JS-5.) (twdb) (Entered: 01/12/2018)
------------	------------	---